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October 9, 1981

Dear Citizen:

The Oakland Charter Review Committee will hold public hearings to review the current form of government in Oakland and alternatives to that system. These hearings will be held on October 28, 1981 at 7:30 p.m. and November 5 at 3:00 p.m., both in the City Council Chambers.

The Charter Review Committee, appointed by Mayor Lionel Wilson pursuant to Council direction, has been meeting to review the questions: whether a change in the form of executive leadership is called for in Oakland and what change should be appropriate. This inquiry was started because many citizens expressed the feeling that Oakland today should have a strong Mayor form of government.

The Committee has prepared three models for discussion purposes. Copies of these models are enclosed with this letter. The first model represents the current form of government in which all administrative leadership is exercised by the City Manager. The second model is a "pure" form of strong Mayor government in which both political and administrative leadership are placed solely in an elected Mayor. The third model is a strong Mayor form of government with several modifications including the requirement of a chief administrative officer who would provide administrative experience.

On behalf of the Mayor and the Committee, I hope that you and members of your organization will attend these hearings to offer your comments on these models and on the basic questions the Committee must answer. We also invite you to submit written comments and opinions. Please address any correspondence to the Charter Review Committee, c/o Mayor Wilson's Office, City Hall, Oakland, California.

If you have any questions, please call me at 839-6336 or Kay Quong at 273-3395.

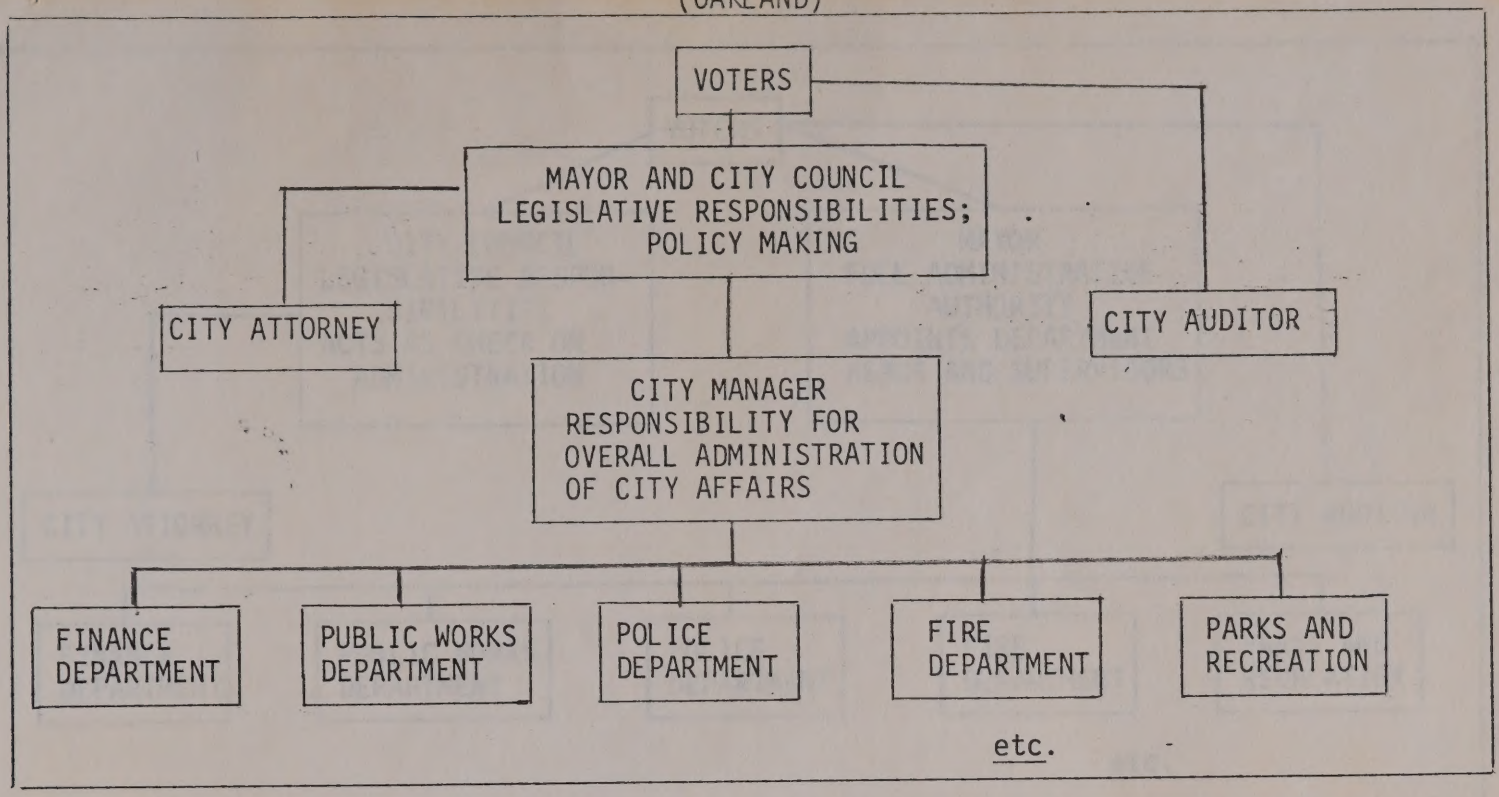
Very truly yours,

R. ZACHARY WASSERMAN

RZW:lml

Enc.

COUNCIL-MANAGER GOVERNMENT
(OAKLAND)



The Mayor and eight Councilmembers serve as the policy making, legislative body.

As the chief elected official, the Mayor serves as ceremonial head and presides at Council meetings. The Mayor does not have veto power over actions of the Council.

The Mayor and Council have authority to appoint the City Attorney and City Manager.

All elected officials are part-time. The Mayor's salary of $15,000 per year is set forth in the Charter.

Members of boards and commissions are nominated by the Mayor and confirmed by Council. Board and commission members may be removed by Council action.

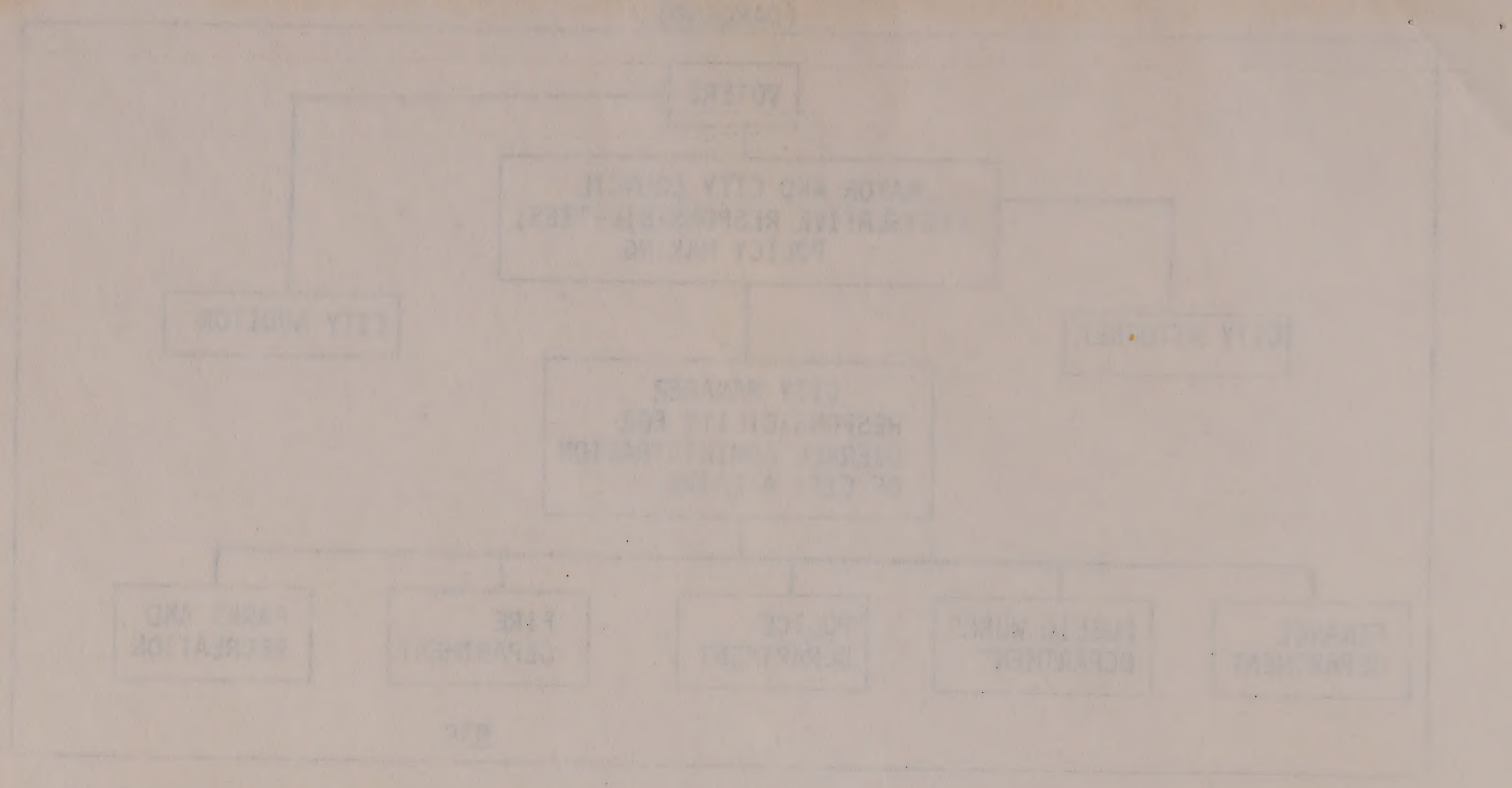
The City Manager is the chief executive officer and is responsible for overall administration and implementation of Council policies. Department heads are appointed by the City Manager, who also has appointing authority for all other City personnel.

The Mayor and Council have no administrative powers.

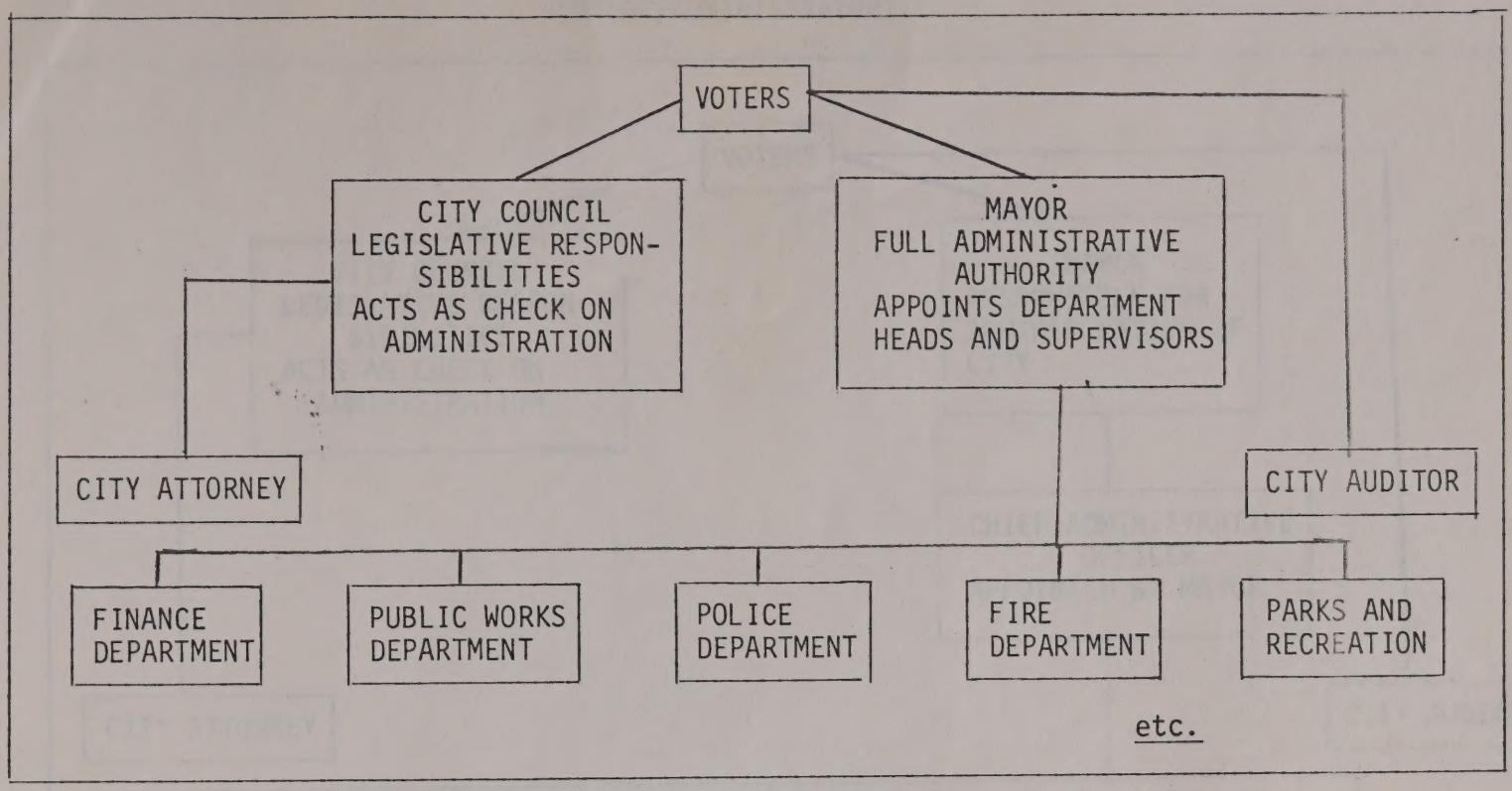
Modifications Possible Without Charter Change

- appointment and/or removal of most board and commission members vested solely in Mayor

- increased staff for Mayor and Council for additional support by amendment to budget.



II. STRONG MAYOR-COUNCIL GOVERNMENT



The Council is the legislative body and acts as a check on the Mayor's administration of the City.

Council has authority to appoint City Attorney only.

A full-time Mayor is the chief administrative officer, whose authority may vary. Typically, the Mayor has authority to prepare the budget for Council approval and to appoint department heads who serve at his/her pleasure.

The Mayor's salary would be comparable to the City Manager's salary (currently $65,000 in Oakland).

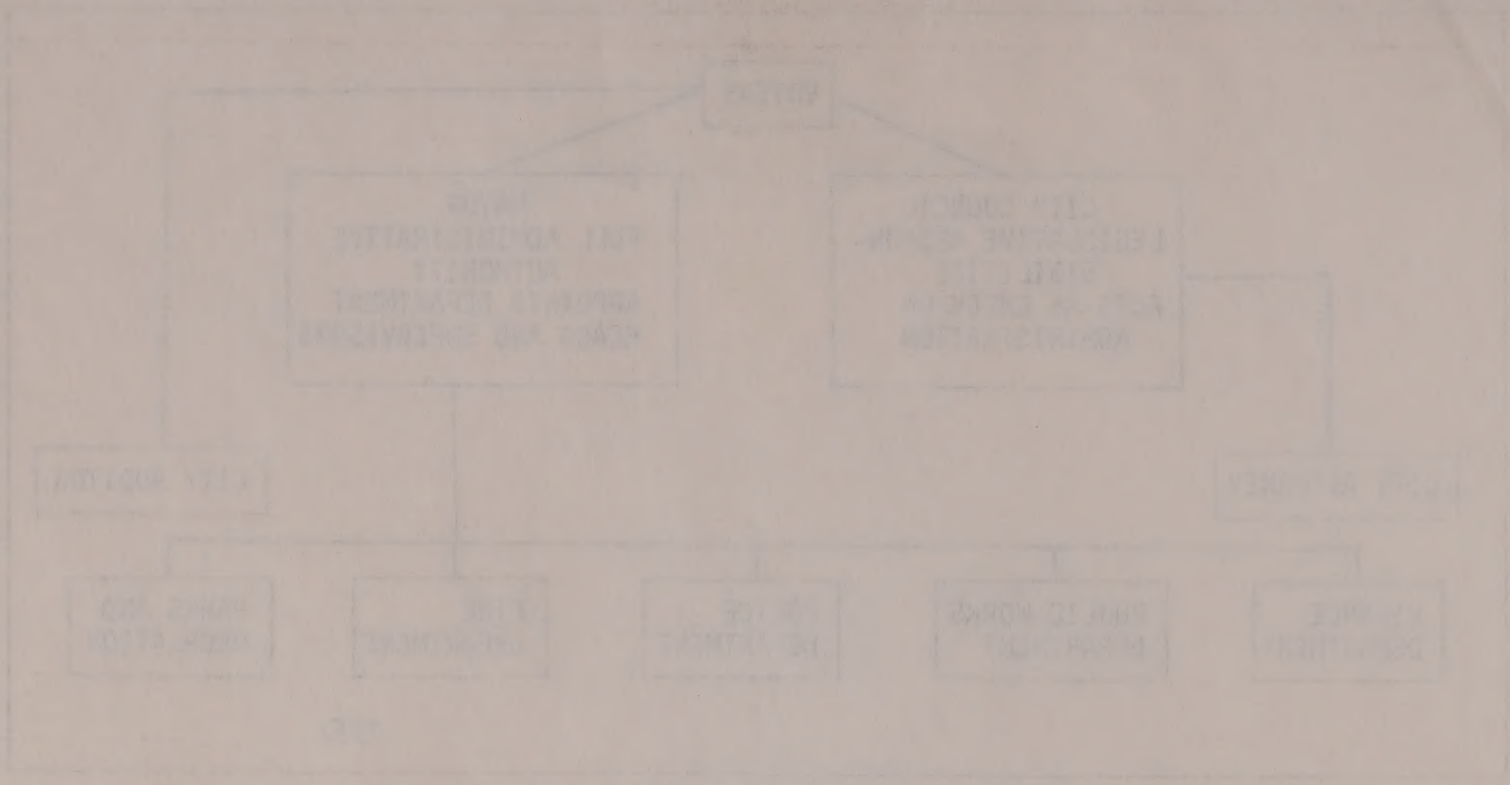
The Mayor is not a member of Council but has veto power, which may be overridden by a 2/3 vote of Council.

The City Council would be composed of either nine Councilmembers -- 7 elected by districts, 2 at large or 7 Councilmembers elected by district elections only.

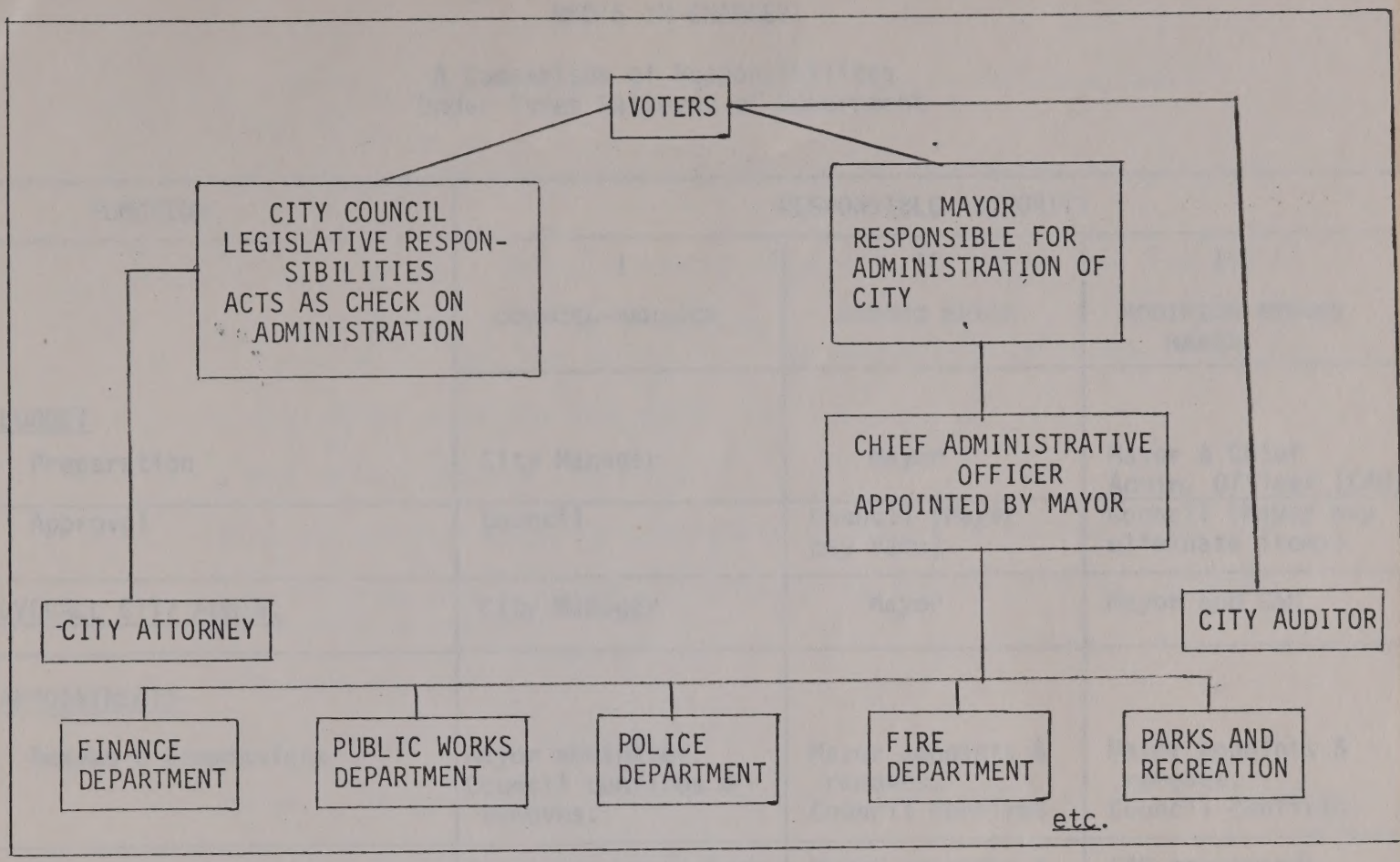
The Council may select its presiding officer or the presiding officer may be elected by the voters city wide.

Council members are part-time.

Board and commission members are appointed by the Mayor and confirmed by Council; however, they serve at the Mayor's pleasure and are subject to removal by Mayor.



III. MOD. .ED STRONG MAYOR-COUNCIL GOVERN..T (MAYOR/ADMINISTRATOR)



This system is the same as the Strong Mayor-Council Government with the following differences:

A full-time Mayor appoints a professional chief administrative officer (CAO) who may be subject to confirmation by Council and serves at the Mayor's pleasure.

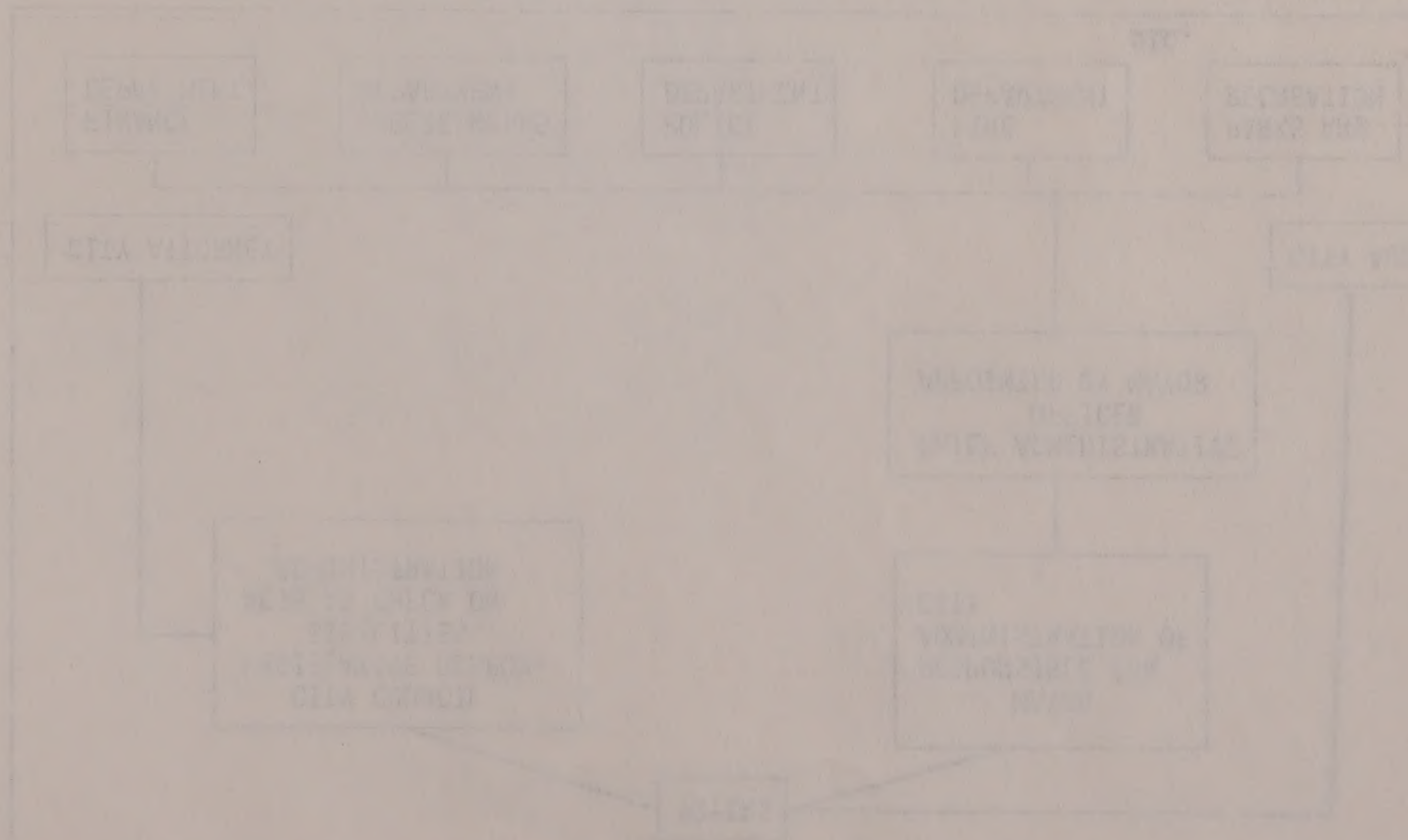
Under direction from the Mayor, the CAO prepares the budget which the Mayor submits to Council for approval or modification. Mayor has authority to delete budget items after Council approval.

CAO recommends department head appointments to Mayor for approval. Department heads serve at Mayor's pleasure.

Board and commission members may be appointed and removed as described in Strong Mayor-Council Government or may be appointed and removed by Council.

CAO's salary is determined by Council during the budget process.

If Mayor does not appoint a CAO after position has been vacant for a reasonable time, Council has authority to appoint a CAO.



WHO'S IN CHARGE?

A Comparison of Responsibilites Under Three Patterns of Government

FUNCTION	RESPONSIBLE AUTHORITY		
	I COUNCIL-MANAGER	II STRONG MAYOR	III MODIFIED STRONG MAYOR
BUDGET			
Preparation	City Manager	Mayor	Mayor & Chief Admin. Officer (CAO)
Approval	Council	Council (Mayor may veto)	Council (Mayor may eliminate items)
OVERALL CITY ADMIN.	City Manager	Mayor	Mayor and CAO
APPOINTMENTS			
Boards & Commissions	Mayor nominates. Council confirms & removes.	Mayor appoints & removes. Council confirms.	Mayor appoints & removes. Council confirms.
Department Heads	City manager appoints & removes.	Mayor appoints & removes.	CAO recommends. Mayor appoints & removes.
City Auditor	Voters	Voters	Voters
City Attorney	Council appoints & removes.	Council appoints & removes.	Council appoints & removes.
City Manager	Council appoints & removes.	-----	-----
Chief Administrative Officer	-----	------	Mayor appoints & removes. Council may confirm.
AWARDING OF CONTRACTS	City Manager-under $15,000 Council-over $15,000	Mayor	Mayor-under set amount Council-over set amount
BONDS, FEES, TAXES	Council	Council	Council
LEGISLATION	Council	Council	Council

League of Women Voters
Oakland
October 1981

Questions From John Sutter

1. Should the City Manager form of government be retained? (Plan I)

   - If so, should the role and salary of the Mayor be changed anyway?

2. Should a strong Mayor form be adopted? (Plan II or III)

   - Should a CAO plan be adopted?
     What would be the authority and functions of that position?

   - Who would appoint the CAO?

   - Who would remove the CAO?

3. What would the Mayor's authority be under a strong Mayor form?

   - Selection and removal of department heads with or without Council approval?

   - Budget preparation?

   - Veto power over legislation?

4. Under a strong Mayor form, how would compensation be established?

   - Dollar amount in Charter?

   - Formula in Charter? e.g., not to exceed Superior Court judge; or not to exceed average of City administrative officer of 15 or 10 largest California cities; to be fixed by Council without limit, etc.

5. Impact on Council under a change to a strong Mayor form.

   - How many Councilmembers should there be? 7 elected by district plus 2 at large; or 7 elected by district only.

   - What authority would the Council exercise?
     - legislation only?
     - selection of City Attorney?
     - appointment of Commissioners?
     - other functions?

   - Should there be any change from the present provisions for salary?

   - How should the Council chair be selected?
     - Citywide vote (one at-large seat so designated)
     - Selection by Council
     - Term - 1, 2, 3, 4 years?

6. Other Issues

   - Who selects the City Attorney?
   - Should the City Auditor continue to be elected?

12/8/81

Committee Members in Attendance:

John Guillory	Dick Groulx
Robert Turner	Judith Johnson
Sue Jordan	Lonnie Dillard
Michael Clark	David Goodman
Doug Higgins	Don Hopkins
Mary King	John Sutter
Zack Wasserman	Wilson Riles
	Rev. James Richard

Staff:

Kay Quong

The Committee heard presentations from the following individuals regarding their opinions on Oakland's structure of government: Randy Hamilton, Dean of the Graduate School of Public Administration, Golden Gate University; John Houlihan and John Reading, former Mayors of Oakland; and Cecil Riley, former City Manager. Their comments are summarized below.

Comments by Randy Hamilton

Mr. Hamilton pointed out six essential characteristics of the Council-Manager form of government.

1. Council appoints and removes the City Manager, who is a professionally trained administrator.

2. The City Manager has administrative authority.

3. The City Manager has authority to appoint, discipline, and terminate municipal employees.

4. Department heads are assured of tenure in their position, as long as their performance meets with the satisfaction of the City Manager. Mr. Hamilton felt that recruitment of department heads under a system where an elected official were the appointing authority would be difficult because of the uncertainty of one's tenure in the position; that it would be predicated on politics, rather than performance.

5. The City Manager has fiscal responsibility for preparing and executing the budget. The fiscal affairs of a City such as Oakland are tremendously complex and need execution by a professionally-trained expert.

6. The City Manager is involved in policy formation. The sharp delineation between policy and administration is found in old texts on public administration, but does not address the situation as it really exists today.

In response to Committee directed questions on his opinion of a full-time Mayor, Mr. Hamilton indicated that he advocates a full-time Mayor and adequate staff support for both the Mayor and Council, both of which are not incompatible with his support for a Council-Manager form of government.

Mr. Hamilton cautioned, that a strong Mayor would reduce contact between the Council and the public, essentially weakening the authority and position of the City Council.

Mr. Hamilton also advocated that the City Manager's performance be evaluated in an informal setting, such as retreats. Further, contracts for City Managers should be considered.

Comments by John Reading

Mr. Reading supported the Council-Manager form of government because it has proven to be the most efficient form. Further, it is a growing form, with a continuous switch to that form by cities throughout the Mr. Reading cited the need for professionalism in administrative affairs, which is better assured through the Council-Manager form of government. Because the City Manager is appointed by the Mayor and Council and can only be removed by six votes of the Council, better representation of the City is ensured.

It was Mr. Reading's feeling that changing to a strong Mayor form could bring a return to the old patronage system.

Comments by John Houlihan

Mr. Houlihan recommended a change to model #3 -- Strong Mayor with an appointed "deputy Mayor" who would be a professionally-trained administrator. At present, the Mayor does not have authority to carry out his promises to the public. A switch to Model #3 would provide the necessary authority.

Mr. Houlihan advocated a separation of the legislation and the executive by removing the Mayor as a member of the Council. Mr. Houlihan advocated that the Mayor have veto power over the budget and some ordinances, which could, however, be overridden by the Council. The Mayor and Deputy Mayor should have comparable salaries, with the Mayor making a little more. The increases should be tied to some benchmark, rather than having a specific amount set forth in the Charter.

The Deputy Mayor or CAO should be appointed by the Mayor and Council for a specific term. Removal would be based on charges. This position would be filled by a qualified individual with experience in another government agency.

The Council-Manager form works in smaller cities where the citizens know what the respective roles of the Mayor and City Manager are.

A Strong Mayor form would not hamper recruitment efforts for department heads. These individuals seek opportunities for personal advancement and leave cities for the same reason.

Comments by Cecil Riley

Mr. Riley endorsed Mr. Hamilton's support for the Council-Manager form in Oakland. Mr. Riley indicated that this form is conducive to building a strong administrative structure and professionalism of employees. Oakland has a reputation for honesty in its government, which would be continued under the present system.

The role of the Mayor should be redefined and strengthened with adequate compensation and staffing provided. This change could take place without modifying the mechanics of administration. The Mayor's Office could oversee to a larger degree, the work of boards and commissions where the groundwork for policy changes often takes place. Further, a full-time Mayor with adequate staff would have the ability to keep in close touch with the public's needs.

Council Representation

The matter of how many Councilmembers there should be and whether a combination of district and at-large members is desirable was discussed. This item would be relevant under a Council-Mayor form where the Mayor would no longer be a member of the Council.

John Houlihan felt that there should be nine Councilmembers -- two elected at-large and seven by districts. Both Mr. Reading and Mr. Hamilton felt that representation city-wide or by district would not significantly change the decision that a Councilmember makes on an issue or problem.

ISSUES AND PROBLEMS RELATED TO THE COUNCIL

MANAGER FORM OF GOVERNMENT IN OAKLAND

1. The Mayor is asked to provide leadership in relationships with federal, state and regional governmental agencies. A part-time, partially paid Mayor does not have the time or the authority to fully represent Oakland in dealing with these agencies.

2. The Mayor is asked to provide leadership of and liaison with neighborhoods and community groups and the business community. Currently he does not have time, authority or staff to fully respond to the needs of any of these groups.

3. The salary of the Mayor is not commensurate with the time a Mayor must spend on the job nor with the experience he must bring to his office.

4. There is a need for increased staff for the Mayor and Council to provide:

   a. Analysis and evaluation of policy issues;
   b. Oversight of administrative actions;
   c. Detailed analysis of budgets; and
   d. Contact with constituents.

5. Decisions made by the manager which are "administrative", in fact involve and require significant political input. Examples, are: allocation of scarce resources within a department and implementation of policies such as the minority business enterprise program. Currently, these decisions are made with political input by non-elected administrators.

6. The budget process itself requires greater accountability and flexibility than the current system provides. The process of offering packaged alternatives to the Council does not allow sufficient political input in the formulative stages. In addition, the line-item veto used at the State level would provide greater flexibility.

7. Access by the elected leaders to information is controlled by the City Manager. This often results in delays in obtaining information, in "edited" information and also often results in the elected leaders having a very, very short time to evaluate and act on policy and legislative matters.

8. The City bureaucracy is ~~often~~ Sometimes unresponsive. The department heads who are responsible only to the City Manager ~~do~~ may not carry out policy enacted by the Council. It is suggested that control over department heads by a directly elected official would result in more responsive ~~and more efficient~~ government.

9. There is no effective continuing audit control. This involves not simply economic audits (which are primarily the responsibility of the City Auditor) but a combination of economic and ~~policy-effectiveness~~ program audits.

10. There is a lack of effective long term planning. For a city, such planning requires direct political input. Currently, this is obtained by combining staff and department efforts with volunteer ad hoc citizens groups. The elected leader needs the time and directly controlled staff to provide consistent long term planning.

11. The ~~executive~~ policy leadership in Oakland--as opposed to the administrative leadership--is collective. While the Mayor is elected separately and presides over the Council, he has only one vote on the Council and one vote in controlling and directing the City Manager. Policy formulation and policy review is an executive function. Currently, this is the responsibility of a collective--the nine Council members. Most organizational wisdom suggests that executive leadership is more effective when placed in the hands of a single individual--with appropriate checks--than in the hands of a group.

12. The last "issue" is cost of alternative systems. Assuming that, in one way or another, there were a non-elected chief administrative officer serving under a Mayor, one clear cost would be the Mayor's salary--say $60 - $70,000. If the Mayor came off the Council, there might be the cost of an additional Council member--say $6,000 in salary and $_____ in miscellaneous support cost. Additional costs would not depend on structural changes, but rather on staff considerations. Until the issue is further refined, it is very difficult to estimate such costs. For example, any estimate requires a determination of how many, if any, of the present staff in the Manager's office could be transferred to the Mayor or Council.

12/8/81

CITY OF OAKLAND

CITY HALL • 14TH AND WASHINGTON STREETS • OAKLAND, CALIFORNIA 94612

Office of the City Manager
Henry L. Gardner
City Manager

December 16, 1981

Mr. Eugene C. Lee
Institute of Governmental Studies
109 Moses Hall
University of California
Berkeley, California 94720

Dear Gene:

Subject: Mayor's Charter Review Committee, City of Oakland

I apologize for being remiss in not providing you with the recent progress of the Charter Review Committee. I am enclosing for your information, notes from recent meetings and copies of press articles.

As you will glean from the enclosed material, the Committee sponsored two hearings for comment on three models of government for Oakland. The meetings were not well attended, although notices were sent to 150 organizations and some media publicity was provided (primarily the Tribune, Montclarion, KCBS and KDIA). No unanimity of opinion was voiced at the hearings.

Subsequent to the hearings, the Committee heard from Randy Hamilton, former mayors John Reading and John Houlihan, and from former City Manager Cecil Riley. Their comments are summarized in the notes of the December 7 committee meeting. Although they differed with regard to the proper form of government for Oakland, there was consensus that a full-time Mayor with adequate compensation and staffing is in order. This would necessitate some formal strengthening or broadening of functions.

The Committee began the process for formalizing its recommendations at its December 14 meeting. It is anticipated that a report containing the Committee's recommendations will be forwarded to Council for consideration sometime in the beginning of 1982.

I will be sure to provide you with a copy of those recommendations and the Council's response to them.

Sincerely,

Kay Quong

KAY QUONG
Assistant to the City Manager

Enclosures

CITY OF OAKLAND